

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL COOPER,

Plaintiff,

v.

Civil Case No. 18-12611
Honorable Linda V. Parker

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE’S APRIL 8, 2019 REPORT AND RECOMMENDATION [ECF NO. 15]; (2) DENYING PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT [ECF NO. 12]; (3) GRANTING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT [ECF NO. 14]; AND (4) AFFIRMING DEFENDANT’S DECISION

On August 21, 2018, Plaintiff filed this lawsuit challenging the Commissioner of Social Security’s (“Commissioner”) final decision denying Plaintiff’s application for Supplemental Security Income under the Social Security Act. On August 28, 2018, this Court referred the matter to Magistrate Judge David Grand for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. §636(b)(1)(A) and/or a report and recommendation (“R&R”) on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). (ECF No. 3.) The parties subsequently filed cross-motions for summary judgment. (ECF Nos. 12, 14.)

On April 8, 2019, Magistrate Judge Grand issued an R&R recommending that this Court grant the Commissioner's motion and deny Plaintiff's motion. (ECF No. 15.) In the R&R, Magistrate Judge Grand rejects Plaintiff's argument that the ALJ erred in failing to obtain an expert medical opinion as to whether his impairments medically equal Listing 1.04(A). At the conclusion, Magistrate Judge Grand advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at Pg ID 640-41.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.* at Pg ID 641, citing *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005).) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Grand. The Court therefore adopts Magistrate Judge Grand's April 8, 2019 R&R.

Accordingly,

IT IS ORDERED that Plaintiff's motion for summary judgment (ECF No. 12) is **DENIED**;

IT IS FURTHER ORDERED that Defendant's motion for summary judgment (ECF No. 14) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant's decision finding Plaintiff not disabled under the Social Security Act is **AFFIRMED**.

s/ Linda V. Parker
LINDA V. PARKER
UNITED STATES DISTRICT JUDGE

Dated: May 22, 2019

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, May 22, 2019, by electronic and/or U.S. First Class mail.

s/ R. Lory
Case Manager